

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

James and Lorie Jensen, as parents, guardians,
and next friends of Bradley J. Jensen; James
Brinker and Darren Allen, as parents,
guardians, and next friends of Thomas M.
Allbrink; Elizabeth Jacobs, as parent, guardian,
and next friend of Jason R. Jacobs; and others
similarly situated,

Civil No. 09-1775 (DWF/BRT)

Plaintiffs,

v.

ORDER

Minnesota Department of Human Services,
an agency of the State of Minnesota; Director,
Minnesota Extended Treatment Options, a
program of the Minnesota Department of
Human Services, an agency of the State of
Minnesota; Clinical Director, the Minnesota
Extended Treatment Options, a program of
the Minnesota Department of Human Services,
an agency of the State of Minnesota; Douglas
Bratvold, individually and as Director of the
Minnesota Extended Treatment Options, a
program of the Minnesota Department of Human
Services, an agency of the State of Minnesota;
Scott TenNapel, individually and as Clinical
Director of the Minnesota Extended Treatment
Options, a program of the Minnesota Department
of Human Services, an agency of the State of
Minnesota; and the State of Minnesota,

Defendants.

This matter is before the Court on Defendants' Motion for Relief from Judgment pursuant to Federal Rule of Civil Procedure 60. (Doc. No. 446.) Consistent with the Court's remarks at the June 23, 2015 hearing on Defendants' motion, and based upon the

presentations of the parties, the entire record before the Court, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Defendants' motion (Doc. No. [446]) is **DENIED WITHOUT PREJUDICE**.

2. The Department of Human Services, in consultation with the Ombudsman for Mental Health and Developmental Disabilities, shall create a provisional discharge plan for W.O. for his transfer from the Minnesota Security Hospital. This plan shall be submitted to the Court, with a copy to Plaintiffs' counsel, by **July 31, 2015**.

3. The Department of Human Services shall submit Dr. Gary LaVigna's report on W.O. to the Court as soon as the report becomes available.

4. The parties shall attend a status conference on **August 4, 2015**, at **9:00 a.m.**, to provide the Court with an update regarding the status of W.O., including, but not limited to, the following issues: (1) whether W.O. has been moved from the Minnesota Security Hospital; and (2) if W.O. has not been moved from the Minnesota Security Hospital, what placement options have been identified and pursued and what transition plans have been made with respect to W.O. In addition to the parties, the Court invites the Ombudsman for Mental Health and Developmental Disabilities, the county officials involved in the state proceeding, including the Dakota County attorney and defense counsel, as well as W.O.'s social workers and any involved mental health professionals, to the August 4, 2015 status conference. The conference will take place in

the 7th Floor Conference Room of the Warren E. Burger Federal Building and United States Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101.

5. As the Court indicated at the hearing, it is the expectation of the Court that there will be collaboration between the parties, the Ombudsman for Mental Health and Developmental Disabilities, and the involved county officials with respect to W.O.'s situation. Separately, it is the expectation of the Court that the Department of Human Services will provide an analysis of the names of individuals who are high or frequent users of crisis services, hospitalizations, and inpatient psychiatric units to Plaintiffs and to the Ombudsman for Mental Health and Developmental Disabilities by **July 22, 2015**. Finally, as the Court has stated in previous Orders, it is the expectation of the Court that the Department of Human Services will seek the input of the Ombudsman for Mental Health and Developmental Disabilities and the Executive Director of the Minnesota Governor's Council on Developmental Disabilities in this process. (*See, e.g.*, Doc. No. 435 ("May 6, 2015 Order") at 9; Doc. No. 340 ("September 3, 2014 Order") at 4.)

Date: June 24, 2015

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge